

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

BOBBY JOSEPH HICKOX
297 Edisto Drive
North Augusta, SC 29841

Case No. 2011-416

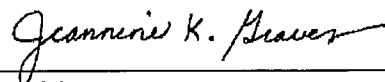
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **April 22, 2011**.

IT IS SO ORDERED **March 22, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 2011-416

12
13 **BOBBY JOSEPH HICKOX**
297 Edisto Drive
14 North Augusta, SC 29841

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 Respondent.
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
23 Registered Nursing (Board). She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Brian S. Turner, Deputy Attorney General.

26 2. Bobby Joseph Hickox (Respondent) is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.

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1 3. On or about December 28, 2009, Respondent filed an application dated October 26,
2 2009, with the Board of Registered Nursing to obtain Registered Nursing License.

3 **JURISDICTION**

4 4. Statement of Issues No. 2011-416 was filed before the Board, Department of
5 Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all
6 other statutorily required documents were properly served on Respondent on November 15, 2010.
7 Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of
8 Statement of Issues No. 2011-416 is attached as exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Statement of Issues No. 2011-416. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
15 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
16 the right to present evidence and to testify on his own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Statement of
24 Issues No. 2011-416.

25 9. Respondent agrees that the application for a Registered Nurse License is subject to
26 denial and he agrees to be bound by the Board's probationary terms as set forth in the
27 Disciplinary Order below.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED

1. The application of Respondent Bobby Joseph Hickox for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. The license shall immediately be revoked but the order of revocation shall be stayed and Respondent placed on probation for a period of three (3) years on the following conditions:

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

Respondent is subject to concurrent disciplinary order(s) from the Georgia Board of Nursing. If Respondent violates the order(s), this shall be deemed a violation of probationary conditions imposed by the Board, and may result in the filing of an Accusation and Petition to Revoke Probation.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance

1 with the Board's Probation Program. Respondent shall inform the Board in writing within no
2 more than 15 days of any address change and shall at all times maintain an active, current license
3 status with the Board, including during any period of suspension.

4 Upon successful completion of probation, Respondent's license shall be fully restored.

5 3. **Report in Person.** Respondent, during the period of probation, shall
6 appear in person at interviews/meetings as directed by the Board or its designated representatives.

7 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
8 or practice as a registered nurse outside of California shall not apply toward a reduction of this
9 probation time period. Respondent's probation is tolled, if and when he resides outside of
10 California. Respondent must provide written notice to the Board within 15 days of any change of
11 residency or practice outside the state, and within 30 days prior to re-establishing residency or
12 returning to practice in this state.

13 Respondent shall provide a list of all states and territories where he has ever been licensed
14 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
15 information regarding the status of each license and any changes in such license status during the
16 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
17 license during the term of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation,
19 shall submit or cause to be submitted such written reports/declarations and verification of actions
20 under penalty of perjury, as required by the Board. These reports/declarations shall contain
21 statements relative to Respondent's compliance with all the conditions of the Board's Probation
22 Program. Respondent shall immediately execute all release of information forms as may be
23 required by the Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
25 state and territory in which he has a registered nurse license.

26 6. **Function as a Registered Nurse.** Respondent, during the period of
27 probation, shall engage in the practice of registered nursing in California for a minimum of 24
28 hours per week for 6 consecutive months or as determined by the Board.

1 For purposes of compliance with the section, "engage in the practice of registered nursing"
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and
7 Respondent has presented sufficient documentation of his good faith efforts to comply with this
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
9 extension of Respondent's probation period up to one year without further hearing in order to
10 comply with this condition. During the one year extension, all original conditions of probation
11 shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall
13 obtain prior approval from the Board before commencing or continuing any employment, paid or
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
15 performance evaluations and other employment related reports as a registered nurse upon request
16 of the Board.

17 Respondent shall provide a copy of this Decision to his employer and immediate
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two
20 (72) hours after he obtains any nursing or other health care related employment. Respondent
21 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
22 regardless of cause, from any nursing, or other health care related employment with a full
23 explanation of the circumstances surrounding the termination or separation.

24 **8. Supervision.** Respondent shall obtain prior approval from the Board.
25 regarding Respondent's level of supervision and/or collaboration before commencing or
26 continuing any employment as a registered nurse, or education and training that includes patient
27 care.

28 Respondent shall practice only under the direct supervision of a registered nurse in good

standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Violation of Probation.** If Respondent violates the conditions of his probation, the Board, after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

Respondent is subject to concurrent disciplinary order(s) from the Georgia Board of Registered Nursing. If Respondent violates the order(s), this shall be deemed a violation of probationary conditions imposed by the Board, and may result in the filing of an Accusation and Petition to Revoke Probation.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

12. **License Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
2 take any other action deemed appropriate and reasonable under the circumstances, without further
3 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
4 longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and shall
6 become a part of Respondent's license history with the Board. A registered nurse whose license
7 has been surrendered may petition the Board for reinstatement no sooner than the following
8 minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any reason other
10 than a mental or physical illness; or

11 (2) One year for a license surrendered for a mental or physical illness.

12 13. **Physical Examination.** Within 45 days of the effective date of this
13 Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
14 physician assistant, who is approved by the Board before the assessment is performed, submit an
15 assessment of the Respondent's physical condition and capability to perform the duties of a
16 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
17 medically determined, a recommended treatment program will be instituted and followed by the
18 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
19 to the Board on forms provided by the Board.

20 If Respondent is determined to be unable to practice safely as a registered nurse, the
21 licensed physician, nurse practitioner, or physician assistant making this determination shall
22 immediately notify the Board and Respondent by telephone, and the Board shall request that the
23 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
24 immediately cease practice and shall not resume practice until notified by the Board. During this
25 period of suspension, Respondent shall not engage in any practice for which a license issued by
26 the Board is required until the Board has notified Respondent that a medical determination
27 permits Respondent to resume practice. This period of suspension will not apply to the reduction
28 of this probationary time period.

1 If Respondent fails to have the above assessment submitted to the Board within the 45-day
2 requirement, Respondent shall immediately cease practice and shall not resume practice until
3 notified by the Board. This period of suspension will not apply to the reduction of this
4 probationary time period. The Board may waive or postpone this suspension only if significant,
5 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
6 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
7 Only one such waiver or extension may be permitted.

8 14. **Participate in Treatment/Rehabilitation Program for Chemical**
9 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
10 period or shall have successfully completed prior to commencement of probation a Board-
11 approved treatment/rehabilitation program of at least six months duration. As required, reports
12 shall be submitted by the program on forms provided by the Board. If Respondent has not
13 completed a Board-approved treatment/rehabilitation program prior to commencement of
14 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
15 a program. If a program is not successfully completed within the first nine months of probation,
16 the Board shall consider Respondent in violation of probation.

17 Based on Board recommendation, each week Respondent shall be required to attend at least
18 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
19 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
20 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
21 added. Respondent shall submit dated and signed documentation confirming such attendance to
22 the Board during the entire period of probation. Respondent shall continue with the recovery plan
23 recommended by the treatment/rehabilitation program or a licensed mental health examiner
24 and/or other ongoing recovery groups.

25 15. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
26 shall completely abstain from the possession, injection or consumption by any route of all
27 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
28 the same are ordered by a health care professional legally authorized to do so as part of

1 documented medical treatment. Respondent shall have sent to the Board, in writing and within
2 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
3 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
4 medication will no longer be required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or physician
6 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
7 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
8 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
9 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
10 considered addictive have been prescribed, the report shall identify a program for the time limited
11 use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or physician
13 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
14 medicine.

15 16. **Submit to Tests and Samples.** Respondent, at his expense, shall
16 participate in a random, biological fluid testing or a drug screening program which the Board
17 approves. The length of time and frequency will be subject to approval by the Board.
18 Respondent is responsible for keeping the Board informed of Respondent's current telephone
19 number at all times. Respondent shall also ensure that messages may be left at the telephone
20 number when he is not available and ensure that reports are submitted directly by the testing
21 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
22 to the Board by the program and Respondent shall be considered in violation of probation.

23 In addition, Respondent, at any time during the period of probation, shall fully cooperate
24 with the Board or any of its representatives, and shall, when requested, submit to such tests and
25 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
26 hypnotics, dangerous drugs, or other controlled substances.

27 If Respondent has a positive drug screen for any substance not legally authorized and not
28 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board

1 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
2 practice pending the final decision on the petition to revoke probation or the accusation. This
3 period of suspension will not apply to the reduction of this probationary time period.

4 If Respondent fails to participate in a random, biological fluid testing or drug screening
5 program within the specified time frame, Respondent shall immediately cease practice and shall
6 not resume practice until notified by the Board. After taking into account documented evidence
7 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
8 suspend Respondent from practice pending the final decision on the petition to revoke probation
9 or the accusation. This period of suspension will not apply to the reduction of this probationary
10 time period.

11 17. **Mental Health Examination.** Respondent shall, within 45 days of the
12 effective date of this Decision, have a mental health examination including psychological testing
13 as appropriate to determine his capability to perform the duties of a registered nurse. The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
18 result of the mental health examination will be instituted and followed by Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse, the
20 licensed mental health care practitioner making this determination shall immediately notify the
21 Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within the 45-day

1 requirement, Respondent shall immediately cease practice and shall not resume practice until
2 notified by the Board. This period of suspension will not apply to the reduction of this
3 probationary time period. The Board may waive or postpone this suspension only if significant,
4 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
5 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
6 Only one such waiver or extension may be permitted.

7 **18. Therapy or Counseling Program.** Respondent, at his expense, shall
8 participate in an on-going counseling program until such time as the Board releases him from this
9 requirement and only upon the recommendation of the counselor. Written progress reports from
10 the counselor will be required at various intervals.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3 stipulation and the effect it will have on my Registered Nurse License. I enter into this
4 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
5 to be bound by the Decision and Order of the Board of Registered Nursing.

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7 DATED: 1-20-11

Bobby J. Hickox
BOBBY JOSEPH HICKOX
Respondent

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10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
13 Affairs.

14
15 Dated: 1/25/11

Respectfully Submitted,

~~EDMUND G. BROWN JR.~~ *Kamala D. Harris*
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General

Brian S. Turner
BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

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23 Stipulation.rtf

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VENUESA BERNARDI O. GARCIA
EDITED 3/26/2011
Redacted Document

Exhibit A

Statement of Issues No. 2011-416

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **BOBBY JOSEPH HICKOX**
297 Edisto Drive
14 North Augusta, SC 29841

15 Respondent.

Case No. 2011-416

STATEMENT OF ISSUES

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing
20 ("Board"), Department of Consumer Affairs.

21 **Application Information**

22 2. On or about December 28, 2009, the Board received an Application for Licensure by
23 Endorsment from Bobby Joseph Hickox ("Respondent"). On or about October 26, 2009, Bobby
24 Joseph Hickox certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Board denied the application on March 17, 2010.

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STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(3)(A) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Out-of-State Discipline)

6. Respondent's application is subject to denial pursuant to Code section 2761, subdivision (a)(4), in that effective September 17, 2009, the Georgia Board of Nursing ("Georgia Board") approved a Private Consent Order in Case Number 64EB-CA-1089746. A certified copy of the Private Consent Order is attached as Exhibit 1 and incorporated herein as though set forth at length. The Order provides that Respondent's practice as a nurse in the State of Georgia is restricted for a period of four (4) years with terms and conditions including participation in a treatment/aftercare program; abstaining from alcohol and controlled substances; participating in routine alcohol/drug screens; providing quarterly reports to the Georgia Board from the aftercare counselor; restricted access to controlled substances in the work place; restrictions concerning agency/private duty employment; submitting quarterly reports to the Georgia Board from employers; and submission of personal quarterly reports to the Georgia Board. The basis for said

1 discipline is that in-or about June 2009, Respondent self-reported to the Georgia Board that he
2 had entered into chemical dependency treatment program at Willingway Hospital, due to his
3 addiction to cocaine and prescription methadone.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Acts Which if Done by a Licentiate Constitute Cause for Suspension**
6 **or Revocation of a License)**

7 7. Paragraph 6 is incorporated herein as though set forth at length. Respondent's
8 application is subject to denial pursuant to Code section 480, subdivision (a)(3)(A), in that
9 Respondent has committed acts which if done by a licentiate constitute cause for discipline
10 pursuant to Code section 2761, subdivision (a) (unprofessional conduct) and Code section 2762,
11 subdivisions (a) (self-administering controlled substances, to wit, cocaine and methadone), and
12 (b) (using controlled substances, to wit, cocaine and methadone, to an extent or in a manner
13 dangerous or injurious to himself or others).

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Bobby Joseph Hickox for a registered nurse license; and,
18 2. Taking such other and further action as deemed necessary and proper.

19 DATED: November 9, 2010

20 *for* Louise Bailey
21 LOUISE R. BAILEY, M.ED., RN
22 Interim Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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EXHIBIT 1
STATEMENT OF ISSUES
BOBBY JOSEPH HICKOX



The Office of Secretary of State

Karen C. Handel
SECRETARY OF STATE

Randall D. Vaughn
DIRECTOR
PROFESSIONAL LICENSING BOARDS

February 15, 2010

CERTIFICATE OF AUTHENTICITY

STATE OF GEORGIA
COUNTY OF BIBB

Georgia Secretary of State
Professional Licensing Boards Division
237 Coliseum Drive
Macon, GA 31217

I, RANDALL D. VAUGHN, the undersigned, do hereby certify that I am the Division Director for the Professional Licensing Boards Division of the Georgia Secretary of State, and that I have reviewed the Consent Order, attached hereto relating to Bobby Joseph Hickox, license number RN106554.

I further certify that the attached copy of the Consent Order for which this certification is made consists of seven (7) pages and is a true reproduction of the original Board Documents maintained by the Professional Licensing Boards Division.

RANDALL D. VAUGHN

Division Director,
Professional Licensing Board Division
Georgia Secretary of State

The foregoing Certification was subscribed
and sworn to before me by Randall D. Vaughn
on the 16th day of February, 2010.

Notary Public



My commission expires:

PRIVATE

BEFORE THE GEORGIA BOARD OF NURSING

PROFESSIONAL LICENSING BOARDS

SEP 24 2009

DOCKET NUMBER

2009-2330

IN THE MATTER OF:

BOBBY JOSEPH HICKOX,
License No. RN106554,

Respondent.

FILE NO. 64EB-CA-1089746

PRIVATE CONSENT ORDER

(To be docketed on a private docket)

By agreement of the Georgia Board of Nursing and Bobby Joseph Hickox, Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent is licensed to practice nursing as a registered professional nurse in the State of Georgia, and was so licensed at all times relevant to the matters stated herein.

2.

In or about June 2009 the Respondent self-reported to the Board that the Respondent had entered into treatment for chemical dependence with Willingway Hospital by reason of his addiction to cocaine and prescription methadone.

CONCLUSIONS OF LAW

The Respondent's mental and/or physical condition constitutes sufficient grounds for the imposition of limitations upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Ch. 26, T. 43.

ORDER

The Georgia Board of Nursing, having considered all the facts and circumstances surrounding this case, hereby orders, and the Respondent hereby agrees that the Respondent's license to practice as a registered professional nurse in Georgia shall be limited as follows:

1.

The Respondent's license to practice nursing as a registered professional nurse in the State of Georgia shall be limited for a period of four years commencing on the effective date of this Consent Order, such that the Respondent may only practice under the following terms and conditions designed to protect the public and to assure that the Respondent may continue to practice safely:

(a) Participation in Treatment/Aftercare Program. Throughout the period of limitation, the Respondent shall participate in a structured aftercare program for chemical dependence approved by the Board. Respondent's participation in such program shall be viewed as a condition precedent to all other provisions set forth herein, and the Respondent's failure to comply with that requirement, upon substantiation thereof, shall subject the Respondent's license to revocation. The Respondent shall not change aftercare provider without submitting to the Board a letter of permission from the current aftercare counselor, and receiving from the Board a letter approving a change of aftercare provider.

(b) Abstain from Alcohol and Controlled Substances. The Respondent shall completely abstain from the consumption of alcohol, and also shall abstain from the consumption of controlled substances except as prescribed by a duly licensed practitioner for a legitimate purpose. Should the Respondent be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board and to the Respondent's aftercare program counselor within ten (10) days of the prescribing thereof.

(c) Alcohol/Drug Screens. Throughout the period of limitation, the Respondent agrees to undergo random, medical quality alcohol/drug screens at Respondent's own expense, at the request of the Board or its representative, Respondent's employer, Respondent's monitoring

physicians, or Respondent's program counselor. Receipt of a positive alcohol/drug screen by the Board is deemed to be a violation of this Consent Order. The Respondent acknowledges and agrees that all of the Respondent's alcohol/drug screen reports received by the Board during the period of limitation shall be admissible in any administrative hearing concerning the Respondent, without the necessity of establishing chain of custody or receiving other supporting testimony.

(d) Quarterly Reports from Aftercare Counselor. The Respondent shall provide a copy of this Order to Respondent's program counselor and shall cause Respondent's program counselor to submit quarterly reports to the Board by March 31, June 30, September 30, and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation, which reports shall evaluate the Respondent's progress in rehabilitation. Each quarterly report shall contain the results of at least one alcohol/drug screen requested by the program during the quarter. The quarterly reports shall include a disclosure of any medication being administered to the Respondent or prescribed as treatment for any illness of the Respondent. The receipt of a positive alcohol/drug screen, or a report from the Respondent's program counselor that the Respondent has failed to comply with the requirements of the program or that the Respondent is otherwise unable to function as a registered professional nurse, shall be grounds for disciplinary action, in the discretion of the Board.

(e) Restrictions Concerning Access to Controlled Substances. The Respondent's license shall be limited and restricted so that the Respondent shall not have access to, administer, or prescribe controlled drug substances, as defined by the Georgia Controlled Substances Act. The restriction shall be typed on Respondent's pocket license card. Upon successful completion of two years of the period of limitation, the Respondent may petition the Board for reinstatement of the right to have access to and to administer controlled drug substances. At such time, the Respondent shall submit satisfactory proof to the Board that Respondent is able to administer controlled drug substances with reasonable skill and safety to patients. The reinstatement of the

Respondent's right of access to and to administer controlled drug substances shall be within the sole discretion of the Board.

(f) Restrictions Concerning Agency/Private Duty Employment The Respondent shall not be employed in any of the following settings without prior written approval of the Board: (1) assignments through a nursing agency or pool, (2) private duty nursing, or (3) in-home nursing.

(g) Quarterly Reports from Employers. If the Respondent is employed in a clinical setting or in a setting involving access to drugs, the Respondent shall provide a copy of this Order to each of such employers or supervisors within ten (10) days of the Respondent's receipt of a docketed copy of the document. The Respondent shall cause such employers or supervisors to submit quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation, regarding the Respondent's performance of Respondent's duties. The receipt of an unfavorable report shall be deemed a violation of this Order and, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license.

(h) Copy of Consent Order to Director of Nursing Education Course. If the Respondent should be enrolled in any clinical nursing course, the Respondent shall also provide a copy of this Consent Order to the dean or director of such program.

(i) Personal Quarterly Reports. The Respondent shall submit personal quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation. Such reports shall state only the current address and phone number and place of employment of the Respondent. Failure to submit such reports, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license.

(j) Reporting Requirements. The Respondent shall provide a copy of this Consent Order to all reporting individuals. It shall be the responsibility of the Respondent to ensure that all required reports are submitted to the Georgia Board of Nursing, 237 Coliseum Drive,

Macon Georgia 31217-3858 in care of the Compliance Manager; and to report to the Board any change in Respondent's place of employment, residence, and current status as a practicing registered professional nurse.

(k) Meeting With Board Representative. After acceptance by the Board and docketing, a copy of the docketed Consent Order shall be mailed to the Respondent. Within 10 days of the Respondent's receipt of such docketed copy of the Consent Order, the Respondent shall contact the Compliance Manager of the Board to arrange a meeting to review the terms of this Consent Order and to ensure that any appropriate limitations are indicated upon the Respondent's pocket license card. The Respondent shall be responsible for scheduling such meeting, and failure to comply with such requirement shall be deemed a violation of this Consent Order.

(l) Consent to Release of Information. By executing this Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a registered professional nurse with reasonable skill and safety to patients or which constitutes a violation of the Nurse Practice Act or this Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

(m) Review of Compliance with Consent Order. The Board may review and evaluate the practice of the Respondent at the end of the period of limitation. It is hereby understood that if such evaluation should indicate non-compliance with the Consent Order or other violation of O.C.G.A. Title 43, Chs. 1 or 26, Respondent's licensure shall be subject to sanction or revocation.

(n) Abide by Laws, Rules, Terms of Consent Order. If the Respondent shall fail to abide by all State and federal laws relating to drugs and regulating the practice of registered professional nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing and the terms of this Consent Order, or if it should appear from reports submitted to the

Board that the Respondent is unable to practice as a registered professional nurse with reasonable skill and safety to patients, Respondent's license may be sanctioned or revoked, upon substantiation thereof.

2.

This Consent Order shall constitute a private order of the Board, and shall not be disclosed to any person except the Respondent. Provided, however, that this Consent Order may be released to another lawful licensing authority or enforcement agency in this or any other state, and may be released pursuant to any other state or federal law authorizing or requiring such release. Provided, further, that should the Respondent violate or attempt to violate this Consent Order, any state or federal laws which relate to or regulate the practice of nursing, or the rules and regulations of the Board, this Consent Order shall be admissible in any proceeding to substantiate such violations, and may become part of the public record in such proceedings.

3.

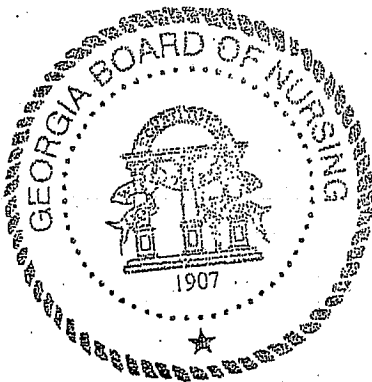
Approval of this Consent Order by the Georgia Board of Nursing shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division.

4.

The Respondent has read this Consent Order and understands its contents. The Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. The Respondent understands that this Consent Order will not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent understands that this Consent Order, once approved and docketed, shall constitute evidence of action by the Board. However, if the Consent Order is not approved, it shall not

constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent hereby consents to the conditions and limitations contained herein.

Approved this 17th day of September, 2008



CONSENTED TO:

BY:

GEORGIA BOARD OF NURSING

Delynn Keeton RN
DELYNN KEETON, RN
President

ATTEST:

R. D. Vaughn
RANDALL D. VAUGHN, Division Director
Professional Licensing Boards Division

Bobby Joseph Hickox
BOBBY JOSEPH HICKOX
Respondent

Sworn to and subscribed
before me this 26 day
of August, 2008.

[Signature]

NOTARY PUBLIC

My commission expires: 2/27/2013